

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Investigation Number:
03144-0600

Reporting Office:
Dallas, TX, Area Office

Investigation Name:
Arkansas Gravel Company

Activity Date:
09/27/2021

Subject of Report:
2021-09-27; Summary of Interview of (b) (6), (b) (7)(C)

Reporting Official and Date:
(b) (6), (b) (7)(C)

Special Agent
01 Oct 2021, Signed by (b) (6), (b) (7)(C)

Approving Official and Date:
(b) (6), (b) (7)(C)

Assistant Special Agent in Charge
05 Oct 2021, Approved by (b) (6), (b) (7)(C)
Assistant Special Agent in Charge

DETAILS:

On September 27, 2021, Special Agent (SA) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (Calhoun County Sheriff's Office) met (b) (6), (b) (7)(C), an owner of the Arkansas Gravel Co., Inc. (AGC) and her attorney, Tiffany Nutt, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) consented to an audio-video recording of the interview, which was captured and saved to Chief Deputy Foster's work computer and labeled as WIN_20210927_1_6_23_02_Pro.

The following is a summary of the information provided by (b) (6), (b) (7)(C) (hereinafter identified as (b) (6), (b) (7)(C)) during this interview and is not a verbatim transcript unless otherwise noted.

After introductions, (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) The (b) (6), (b) (7)(C) have owned the business since approximately 2012. Prior to the (b) (6), (b) (7)(C) role at AGC was (b) (6), (b) (7)(C) and (b) (6), (b) (7) oversaw (b) (6), (b) (7)(C); however, since the (b) (6), (b) (7)(C), (b) (6), (b) (7) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) attended some safety training hosted by the Mine and Safety Health Administration (MSHA). (b) (6), (b) (7)(C) said, "We get inspected all the time, so you always have a different inspector." When asked if (b) (6), (b) (7)(C) dealt previously with MSHA Inspector Allen Livingston, who had visited the AGC site on the 27th, (b) (6), (b) (7)(C) stated (b) (6), (b) (7) had dealt with Livingston "several times". (b) (6), (b) (7)(C) said he asked (b) (6), (b) (7) about the pipeline incident, and (b) (6), (b) (7) drove him around the site to conduct his inspection.

United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report

Charles “Chuck” Martin has worked for (b) (6), (b) (7)(C) for approximately three weeks but has worked for AGC on at least two previous stints and was fired by Fred, but (b) (6), (b) (7)(C) did not know why he was fired. This most recent stint, Martin came and met with (b) (6), (b) (7)(C) after being referred by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), who had also worked with Martin at AGC in the past. (b) (6), (b) (7)(C) knew Martin had over 20 years of experience in the gravel business and felt like he would be helpful, so he directed Martin to meet with (b) (6), (b) (7)(C) first. After meeting with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) hired Martin whom (b) (6), (b) (7)(C) called an “experienced miner” and sent him through MSHA training which consisted of a day reviewing videos.

When asked if AGC provided Martin with any training on construction operations on right of ways/pipelines, (b) (6), (b) (7)(C) replied, “I think they know that...I couldn’t answer that.” (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) knew there was a pipeline on the property and volunteered, “I have strictly told them and everybody out there knows that there’s a pipeline out there, everybody knows that.” (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) had told Martin there was a pipeline on the property, to which (b) (6), (b) (7)(C) replied, “Yes. I’ve been telling them and telling them...” and later continued, “I’ve told them all.” (b) (6), (b) (7)(C) was aware the pipeline ran north and south in relation to (b) (6), (b) (7)(C) main haul road which runs east and west.

(b) (6), (b) (7)(C) said, “I go back there a lot” and the only pipeline marker (b) (6), (b) (7)(C) has observed was located directly to the north of the main haul road. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not know the pipeline transported anhydrous ammonia (NH₃), as (b) (6), (b) (7)(C) had never read the markings during (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) said Martin has operated heavy equipment, specifically an excavator, in other areas besides the gravel plant, during his past employment with AGC. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) overhead MSHA Inspector Livingston ask Martin regarding his experience operating an excavator and Martin told Livingston he had “done some digging on (b) (6), (b) (7)(C) place.” (b) (6), (b) (7)(C) heard Livingston ask Martin why he was excavating at the incident site, to which Martin replied, “I was looking for rock.”

Between 1715 and 1730 hours on the 23rd, (b) (6), (b) (7)(C) drove to a 40 acre area at the back of the AGC property to meet with Martin and (b) (6), (b) (7)(C) whom (b) (6), (b) (7)(C) identified as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) instructed (b) (6), (b) (7)(C) and Martin to dig test holes in an effort to locate gravel in the “greenery” (cutover) adjacent to the area both had been stripping, as (b) (6), (b) (7)(C) felt like (b) (6), (b) (7)(C) was spending too much money stripping and not locating gravel. (b) (6), (b) (7)(C) said Martin was to dig test holes within a 50–100-yard area from (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said in order for (b) (6), (b) (7)(C) and Martin to get to and from their excavators in the back 40-acre area, they had to drive their trucks in.

(b) (6), (b) (7)(C) first learned the pipeline had been struck by Martin after receiving a phone call at approximately 1855 hours from (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) sent (b) (6), (b) (7)(C) a photo of the NH₃ release and told her, “They hit an ammonia pipeline (b) (6), (b) (7)(C) who’s

United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report

out there...they need to get out there.” (b) (6), (b) (7)(C) then tried to call (b) (6), (b) (7)(C) who didn’t answer, and (b) (6), (b) (7)(C) then contacted (b) (6), (b) (7)(C) and then (b) (6), (b) (7)(C) environmental consultant (b) (6), (b) (7)(C).

At the time of the NH3 rupture, the only AGC employees on site were Martin, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), who was in the plant area on an excavator. (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) to let (b) (6), (b) (7)(C) know of the NH3 release and (b) (6), (b) (7)(C) was able to evacuate from the area. When asked if Martin was supposed to be digging in the area where he struck the pipeline, (b) (6), (b) (7)(C) visibly upset, stated “No” repeatedly.

When asked about allegations (b) (6), (b) (7)(C), may have been conspired with Martin to strike the pipeline on purpose, (b) (6), (b) (7)(C) said, “I don’t want to get no one in trouble... (b) (6), (b) (7)(C) has always made the comment if I end up with the gravel pit, (b) (6), (b) (7)(C) burn that motherfucker down... (b) (6), (b) (7)(C) won’t get it, I’ll make sure (b) (6), (b) (7)(C) files bankruptcy...that’s just (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) never made the comment directly to (b) (6), (b) (7)(C) but to AGC employees (b) (6), (b) (7)(C) Later in the interview, (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C)” “that if I was awarded the gravel pit, (b) (6), (b) (7)(C) make sure and have that burnt down, (b) (6), (b) (7)(C) wouldn’t do it, but (b) (6), (b) (7)(C) hire someone to do it.”

(b) (6), (b) (7)(C) provided a copy of a text message from (b) (6), (b) (7)(C), which did not have any direct threats in the content. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) would provide copies of text messages between (b) (6), (b) (7)(C) related to the (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) felt Martin struck the pipeline on purpose, (b) (6), (b) (7)(C) didn’t say anything to indicate (b) (6), (b) (7)(C) felt it was done on purpose by him. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) asked Martin, “Who the hell told you to go over there...everything’s been dug over there, I’ve told you there’s pipelines out there” but Martin did give here a reason other than he was “just looking for gravel.”

When asked again if AGC posted any warnings / documentation to employees pertaining to the pipeline, Irene said, “No, listen (b) (6), (b) (7)(C) has always taken care of that, I just took over all this...I know there’s a pipeline out there, I know that I’ve passed it...my drivers all know, the people that haul the trucks, they all know that, everybody knows...the thing (pipeline marker) is, if you’re going back to the plant is right there ((b) (6), (b) (7)(C) pointed to (b) (6), (b) (7)(C) right).”

(b) (6), (b) (7)(C) said Martin did not have a “phone”, so (b) (6), (b) (7)(C) had to communicate with him by Facebook Messenger; (b) (6), (b) (7)(C) agreed to provide investigators with copies of (b) (6), (b) (7)(C) communications with Martin.

Investigators thanked (b) (6), (b) (7)(C) for meeting with them and (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) departed from the CCSO.

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

ATTACHMENT(S):